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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,725	04/09/2004	Dylan Jay	4002121-A-01-US (Jay)	1514
47523 7590 01/06/2009 JOHN C. MORAN, ATTORNEY, P.C. 4120 EAST 115 PLACE THORNTON, CO 80233-2623			EXAMINER GAY, SONIA L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/821,725	Applicant(s) JAY ET AL.	
	Examiner SONIA GAY	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 7, 12, 15 - 20, 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 8-11, 13-14, 21, 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the Amendment filed on 05/13/2008 in which claims 6, 8-11, 13 - 14, 21, 23 - 25 are presented for examination.

Claim Rejections - 35 USC § 103

1. Claims 6, 8, 10, 21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 6,853,716) in view of Julstrom et al. (US 4,658,425).

For claims 6 and 21, Shaffer et al. discloses a method and computer- readable medium (Shaffer et al., Claim 13) comprising computer-executable instructions for performing the method of performing participant identification in a conference of a plurality of participants, comprising the steps of:

detecting a change in active participant among a set of the plurality of participants using an endpoint telecommunication unit, not the identity of the active participant (*input device detects the audible sounds emitted by the participant*: column 4 lines 27 -32; column 11 lines 10 - 19);

signaling the detected change to a conference unit by the endpoint telecommunication unit (column 11 lines 10 - 19);

determining the identity of a new active participant of the set of plurality of participants by the conference unit performing voice recognition to identify the new active participant in response to the signaled change whereby the conference unit processes speech information from only the endpoint telecommunication unit (column 4 lines 6 – 26; column 5 lines 12 – 61).

Yet, Shaffer et al. fails to teach performing a simple speech algorithm to detect a change in an active participant using an endpoint telecommunication unit by the endpoint telecommunication unit.

However, Julstrom et al. discloses an endpoint telecommunication unit that may be utilized by a set of the plurality of conference participants as disclosed above in Shaffer et al. wherein the endpoint terminal performs a simple speech algorithm for the purpose of determining the current active participant or a change in the current active participant and signaling the detected change, not the identity of the active participant, by transmitting the audio signals from the these participants to the external network (column 1 lines 16 – 28; column 8 lines 24 – 31, 50 – 59; column 9 lines 31 – 39; column 10 lines 31 – column 11 line 58; column 12 lines 5 - 21);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Shaffer et al. with the teachings of Julstrom et al. to perform a speech algorithm for the purpose of determining the current active participant or a change in the current active participant and signaling the detected change by transmitting the audio signals, not the identity, from the these participants to the conference unit within the external network.

For claims 8 and 23, Shaffer et al. discloses wherein the endpoint telecommunication unit is a telecommunication terminal (column 4 lines 40 - 47).

For claims 10 and 25, Julstrom et al. wherein the step of detecting comprises determining a use of a speaker phone on the endpoint telecommunication unit (*output circuitry is fed to a*

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noise adapting threshold circuit which generates a threshold voltage level representative of room noise in the vicinity of microphone : column 10 lines 31 – column 11 line 58).

2. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 6,853,716) in view of Kwak et al. (US 6,457,043), and further in view of Julstrom et al. (US 4,658,425).

For claim 11, Shaffer et al. discloses a system for providing a conference, comprising:

a conference unit (column 5 lines 12 – 61);

a plurality of endpoint telecommunication units (column 3 lines 26 - 31);

a conference unit establishing the conference for a set of participants using a plurality of endpoint telecommunication units (column 5 lines 12 – 61;)

one of the plurality of endpoint telecommunication units providing service for a subset of the set of the plurality of participants detecting a change in, not the identity of, a new active participant of the subset of the set of the plurality of participants and signaling the change to the conference unit (*input device detects the audible sounds emitted by the participant*: column 4 lines 27 -32; column 11 lines 10 - 19); and

the conference unit identifying the new active participant (column 5 lines 12 – 61).

Yet, Shaffer et al. fails to teach a system controller for receiving the signaled change and requesting the conference unit to identify the new active participant; and performing a simple speech algorithm to detect a change in an active participant using an endpoint telecommunication unit by the endpoint telecommunication unit.

However, Kwak et al. discloses a system controller, which comprises some of the functionality of the conference unit disclosed above in Shaffer et al., in communication with a conference unit for the purpose of establishing the conference for a set of participants and transmitting to and receiving a response to a request to identify the new active participant (column 1 line 67 – column 2 line 4, column 6 lines 66 - column 7 lines 5-6 8, 11-21, 27- 32, 41 - 48, 64 – column 8 line 3; column 8 lines 9 – 16)).

Moreover, Julstrom et al. discloses an endpoint telecommunication unit that may be utilized by a set of the plurality of conference participants as disclosed above in Shaffer et al. wherein the endpoint terminal performs a simple speech algorithm for the purpose of determining the current active participant or a change in the current active participant and signaling the detected change, not the identity of the active participant, by transmitting the audio signals from the these participants to the external network (column 1 lines 16 – 28; column 8 lines 24 – 31, 50 – 59; column 9 lines 31 – 39; column 10 lines 31 – column 11 line 58; column 12 lines 5 - 21);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Shaffer et al. with the teachings of Kwak et al. and Julstrom et al. to separate the call establishing functionality of the conference unit disclosed above in Shaffer et al. into a system controller for the purpose of establishing the conference for a set of participants and transmitting to and receiving a response to a request to identify the new active participant; and, to perform a speech algorithm for the purpose of determining the current

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active participant or a change in the current active participant and signaling the detected change by transmitting the audio signals, not the identity, from the these participants to the conference unit within the external network.

For claim 13, Shaffer et al. discloses wherein the endpoint telecommunication unit is a telecommunication terminal (column 4 lines 40 - 47).

3. Claims 9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 6,853,716) in view of Julstrom et al. (US 4,658,425), and further in view of Shaffer et al. (US 6,826,159).

For claims 9 and 24, Shaffer et al. (US '716) fails to teach the endpoint telecommunication unit is a remote switch connecting a telecommunication terminal used by a subset of the set of the plurality of participants to the conference unit.

However, Shaffer et al. (US '425) discloses a conference call unit that is contained inside of a current PBX, bridge, or other networking device (column 2 lines 50– 53) that performs the method for speaker identification for a conference call (column 2 lines 43 – 46) of using speech processing to detect changes in the speaker for the purpose of identifying callers in a conference call (column 1 lines 45 – 60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Shaffer et al. (US 716) with the teachings of Shaffer et al. (US 425) so that the endpoint terminal is a switch, router or other network processing device such as a PBX or computer and a bridge connected to an external conference

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call provider and bridge for the purpose of providing a single connection between the local callers attached to the switch and the conference call provider; and, the switch, router, or other device such as a PBX or computer has a conference unit attached to the bridge that is enclosed in the switch, router or other network processing device that performs speech recognition to detect a change in speakers for the purpose of identifying a speaker during a conference call.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 6,853,716) in view of Kwak et al. (US 6,457,043), and further in view of Julstrom et al. (US 4,658,425), and further in view of Shaffer et al. (US 6,826,159).

For claim 14, Shaffer et al. (US 716) fails to teach the endpoint telecommunication unit is a remote switch connecting a telecommunication terminal used by a subset of the set of the plurality of participants to the conference unit.

However, Shaffer et al. (US 425) discloses a conference call unit that is contained inside of a current PBX, bridge, or other networking device (column 2 lines 50– 53) that performs the method for speaker identification for a conference call (column 2 lines 43 – 46) of using speech processing to detect changes in the speaker for the purpose of identifying callers in a conference call (column 1 lines 45 – 60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Shaffer et al. (US 716) with the teachings of Shaffer et al. (US 425) so that the endpoint terminal is a switch, router or other network processing device such as a PBX or computer and a bridge connected to an external conference call provider and bridge for the purpose of providing a single connection between the local

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callers attached to the switch and the conference call provider; and, the switch, router, or other device such as a PBX or computer has a conference unit attached to the bridge that is enclosed in the switch, router or other network processing device that performs speech recognition to detect a change in speakers for the purpose of identifying a speaker during a conference call.

Response to Arguments

Applicant's arguments with respect to the rejection(s) of claim(s) 6, 8-11, 13 - 14, 21, 23 - 25 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/

Examiner, Art Unit 2614

January 2, 2009

/Ahmad F Matar/
Supervisory Patent Examiner, Art Unit 2614